

1614  
#3

ATTORNEY DOCKET NO. LEBV.008.01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Noteborn, *et al.*

Serial No.: 09/655,109

Filed: September 5, 2000

For: **APOPTIN-ASSOCIATING PROTEIN**

)  
) Examiner: Not Yet Assigned  
)  
) Art Unit: 1614  
)  
) INFORMATION DISCLOSURE  
) STATEMENT TRANSMITTAL  
)

RECEIVED  
JAN 09 2001  
FBI CENTER 1600/2900

Assistant Commissioner of Patent  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing in the above-identified application is:

- ☒ [X] An Information Disclosure Statement.
- ☒ [X] A PTO 1449.
- ☒ [X] Copies of references A1, B1-B3 and C1-C11, listed on the PTO 1449 form.
- ☐ [ ] English translation of foreign language reference(s).
- ☐ [ ] Copy of foreign examination report.
- ☐ [ ] English translation of foreign examination report.

CERTIFICATE OF EXPRESS MAILING

"Express Mail" Label No.: EL745846007US

Date of Deposit: 01/03/01

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to BOX DD, Assistant Commissioner of Patents, Washington, D.C., 20231.

(Signature)

(Printed Name)

Francis Guerra

- ☒ Return postcard (postage prepaid).
- ☒ Also transmitted is: Search reports for priority documents EP 99202858.9 and EP 99203465.2
1. ☒ This Information Disclosure Statement is filed before the later of:
- ☐ three months from the filing date of this national application;
  - ☐ three months from the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; or
  - ☒ the mailing date of a first office action on the merits.
- ☒ In accordance with 37 CFR 1.97(b), no fee is required.
2. ☐ This Information Disclosure Statement is filed after the events noted in paragraph 2, but before either:
- (1) a final action under 37 CFR 1.113; or
  - (2) a Notice of Allowance under 37 CFR 1.311.
- ☐ In accordance with 37 CFR 1.97(c) also enclosed is:
- ☐ a fee under 37 CFR 1.17(p) in the amount of \$210; or
  - ☐ a certification as stated below.
3. ☐ This Information Disclosure statement is filed before the payment of the issue fee, but after either:
- (1) a final action under 37 CFR 1.113; or
  - (2) a Notice of Allowance under 37 CFR 1.311.
- ☐ In accordance with 37 CFR 1.97(d) also enclosed is:
- (1) A certification, as stated below;

- (2) A Petition requesting consideration of the Information Disclosure Statement; and
- (3) The petition fee set forth in 37 CFR 1.17(i)(1) in the amount of \$130.

Certification

The undersigned also states:

- ☐ Each item of information contained in the Information Disclosure Statement cited herein was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement; or
- ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

The fees indicated above are:

**TOTAL FEES: \$ -0-**

- ☐ A check including the amount of the above indicated TOTAL FEES is attached.
- ☐ Please charge Deposit Account No. 23-0796 in the amount of: \$ \_\_\_\_\_.
- ☐ A check in the amount of \$ \_\_\_\_\_ is attached.
- ☒ No fee is required.
- ☒ The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 23-0796.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

[ ] A duplicate copy of this sheet is attached for accounting purposes.

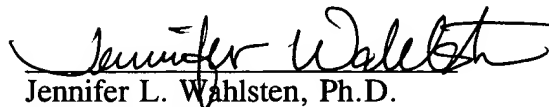
Respectfully submitted,

RECEIVED

JAN 09 2001

TECH CENTER 1800/2300

Dated: 3 January, 2001



Jennifer L. Wahlsten, Ph.D.

Reg. No. 46,226

Rae-Venter Law Group  
P.O. Box 60039  
Palo Alto, CA 94306-0039  
Telephone (650) 328-4400  
Facsimile (650) 328-4477  
BRV/JLW

PATENT



ATTORNEY DOCKET NO. LEBV.008.01US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Noteborn, *et al.*

Serial No.: 09/655,109

Filed: September 5, 2000

For: APOPTIN-ASSOCIATING PROTEIN

) Examiner: Not yet assigned

)

) Art Unit: 1614

)

) **INFORMATION DISCLOSURE**  
) **STATEMENT**

)

)

)

)

**BOX DD**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

RECEIVED  
JAN 09 2001  
TECH CENTER 1600/2900

This Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention. Applicants submit herewith copies of references A1, B1-B3 and C1-C11, listed on the Form PTO-1449. Applicants also provide copies of the Search Reports for priority applications EP 99202858.9 and EP 99203465.2.

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" Label No.: EL74584600705

Date of Deposit: 01/03/01

I hereby certify under 37 C.F.R. 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to BOX DD, Assistant Commissioner for Patents, Washington, D.C., 20231.

(Signature)

(Printed Name)

*[Signature]*  
Francis L. Bern

Applicant makes no representation that a complete search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material.

The subject application is believed patentable over any of the above references.

Respectfully submitted,

Dated: 3 January, 2001

Jennifer A. Wahlsten  
Jennifer A. Wahlsten, Ph.D.  
Reg. No. 46,226

RAE-VENTER LAW GROUP, P.C.  
P.O. Box 60039  
Palo Alto, CA 94306-0039  
Telephone (650) 328-4400  
Facsimile (650) 328-4477

BRV/JLW

RECEIVED  
JAN 09 2001  
TECH CENTER 1600/2900

PATENT

DOCKET NO. LEBV.008.01US

COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

FORM PTO-1449 (Modified)  
LIST OF PATENTS AND PUBLICATIONS  
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Sheet 1 of 2

RECEIVED  
JAN 09 2001  
TECH CENTER 1600/2900

In re the application of: Noteborn, *et al.*

Art Unit: 1614

Serial No. 09/655,109

Examiner: Not Yet Assigned

Filed: September 5, 2000

U.S. PATENT DOCUMENTS

Ref. <u>Desig.</u>	Examiner's <u>Initials</u>	Document <u>Number</u>	<u>Date</u>	<u>Name</u>	Class/ <u>Subclass</u>	<u>Filing Date</u>
A1		5,491,073	2/13/1996	Noteborn and deBoer	435/69.1	9/11/1991

FOREIGN PATENT DOCUMENTS

Ref. <u>Desig.</u>	Examiner's <u>Initials</u>	Document <u>Number</u>	<u>Date</u>	<u>Country</u>	Class/ <u>Subclass</u>	<u>Filing Date</u>
B1		WO 96/41191	12/19/1996	PCT		6/7/1996
B2		WO 98/46760	10/22/1998	PCT		4/15/1998
B3		WO 99/08108	2/18/1999	PCT		8/11/1998

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Ref. <u>Desig.</u>	Examiner's <u>Initials</u>	
C1		Danen-Van Oorschot, <i>et al.</i> (1997) "Apoptin induces apoptosis in human transformed and malignant cells but not in normal cells." <i>Proc Natl Acad Sci, USA</i> : 94, 5843-5847.
C2		Danen-Van Oorschot, <i>et al.</i> (1997) "BAG-1 inhibits p53-induced but not apoptin-induced apoptosis." <i>Apoptosis</i> 2, 395-402.
C3		Garcia, <i>et al.</i> (1999) "RYBP, a new repressor protein that interacts with components of the mammalian polycomb complex, and with the transcription factor YY1." <i>EMBO J</i> 18,

Examiner:

Date Considered:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

DOCKET NO. LEBV.008.01US



FORM PTO-1449 (Modified)  
LIST OF PATENTS AND PUBLICATIONS  
FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT  
(Use several sheets if necessary)  
Sheet 2 of 2

Art Unit: 1614

Examiner: Not Yet Assigned

Filed: September 5, 2000

	3404-3418.
C4	Kerr, <i>et al.</i> (1994) "Apoptosis: Its significance in cancer and cancer therapy." <i>Cancer</i> 73, 2013-2026.
C5	Levine, A.J. (1997) "p53, the cellular gatekeeper for growth and division." <i>Cell</i> 88, 323-331.
C6	Noteborn, <i>et al.</i> (1991) "Characterization of cloned chicken anemia virus DNA that contains all elements for the infectious replication cycle." <i>J Virol</i> 65, 3131-3139.
C7	Noteborn, <i>et al.</i> (1994) "A single chicken anemia virus protein induces apoptosis." <i>J Virol</i> 68, 346-351.
C8	Noteborn, <i>et al.</i> (1998) "Chicken anemia virus: Induction of apoptosis by a single protein of a single-stranded DNA virus." <i>Seminars in Virology</i> 8, 497-504.
C9	Paulovich, <i>et al.</i> (1997) "When checkpoints fail." <i>Cell</i> 88, 315-321.
C10	Pietersen <i>et al.</i> (1999) "Specific tumor-cell killing with adenovirus vectors containing the apoptin gene." <i>Gene Therapy</i> 6, 882-892.
C11	Zhuang, <i>et al.</i> (1995) "Apoptin, a protein derived from chicken anemia virus, induces a p53-independent apoptosis in human osteosarcoma cells." <i>Cancer Research</i> 55, 486-489.

Date Considered:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.